

★ JUN 29 2016 ★

LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BETHPAGE WATER DISTRICT,

Plaintiff,

-against-

ORDER

13-CV-6362 (SJF) (AYS)

NORTHROP GRUMMAN CORPORATION
and NORTHROP GRUMMAN SYSTEMS
CORPORATION,

Defendants.
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FEUERSTEIN, District Judge:

Defendants moved for partial summary judgment dismissing plaintiff's claims in its Second Amended Complaint that were "predicated on purported injury to its Plant 4 facility." *See* Notice of Motion, Docket Entry ("DE") [78]. By Order dated March 31, 2016, this Court accepted a Report and Recommendation concerning the motion in its entirety as an Order of the Court and granted defendants' motion for partial summary judgment. Order of 3/31/16, DE [101]. On June 15, 2016, the parties submitted a joint stipulation of voluntary dismissal without prejudice of "all of Plaintiff's claims in the Second Amended Complaint not dismissed by the Court's Order of March 31, 2016." DE [103]. The Court "So Ordered" the stipulation, and as the stipulation disposed of the remaining claims in the case, the Court closed the case. DE [104]. On June 20, 2016, defendants filed a motion for entry of partial judgment under Rule 54 (b) of the Federal Rules of Civil Procedure. Rule 54(b) Motion, DE [107]. Plaintiff has not opposed the motion.

Defendants specifically invoke Rule 54(b), which provides in part that "[w]hen an action presents more than one claim for relief—whether as a claim, counterclaim, crossclaim, or third-party claim-- . . . the court may direct entry of a final judgment as to one or more, but fewer than

all, claims. . . .” FED. R. CIV. P. 54(b). In light of the joint stipulation dismissing all remaining claims not disposed of in the March 31, 2016 Order, there are no longer “multiple claims” and therefore relief under Rule 54 (b) is not appropriate. Nevertheless, as the case is complete, entry of judgment is appropriate for those claims resolved by the Court’s Order granting the motion for partial summary judgment. Accordingly, the motion is granted to the extent that the defendants shall submit a proposed judgment consistent with this Order. The proposed judgment shall be electronically filed **by July 8, 2016** and should be filed as an attachment to a letter indicating whether plaintiff has consented to the proposed judgment submitted.

SO ORDERED

/s/
SANDRA J. FEUERSTEIN
United States District Judge

Dated: Central Islip, New York
June 29, 2016